

Proceedings held before the Planning Board of Brighton at 2300 Elmwood Avenue, Rochester, New York on November 18, 2015 commencing at approximately 7:30 p.m.

PRESENT: William Price, Chairman
Laura Civiletti
Daniel Cordova
David Fader
James Wentworth

NOT PRESENT John Osowski, Jason Babcock Stiner

Ramsey Boehner, Town Planner
David Dollinger, Dpty Town Attorney

FIRE ALARM PROCEDURES WERE GIVEN

MR. CHAIRMAN: Good evening Ladies and Gentlemen, I would like to call to order the November 18, 2015 meeting of the Town of Brighton's Planning Board to order. Everyone has received the October 21, 2015 minutes. I will ask that the minutes be approved with the amended conditions.

MR. FADER: I move to approve the August 19 minutes as amended.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION CARRIED

MR. CHAIRMAN: Mr. Secretary were the public hearings properly advertized for October.

MR. BOEHNER: Yes, they were properly advertised as required in the Brighton Pittsford Post of November 12, 2015.

MR. CHAIRMAN: I want to note that application 8P-02-15, 8P –NB1-15 and 5P-NB1-15 have been withdrawn. Application 10-NB1-15 has been moved to the December 16, 2015 meeting at applicant's request.

8P-02-15 Application of Mamasan's Monroe, LLC, owner for Preliminary / Final Site Plan Approval and Conditional Use Permit Approval to construct a 416 sf building addition and operate mamasan's Restaurant with outdoor dining (417 sf outdoor patio) on property located at 2735 Monroe Avenue. All as described on application and plans on file. **TABLED AT THE AUGUST 19, 2015 MEETING – PUBLIC HEARING REMAINS OPEN WITHDRAWN BY APPLICANT.**

11P-01-15 Application of ESL Federal Credit Union , owner and masterson Electric Inc., contractor for Site Plan Modificatin to install a stand-by emergency generator on property located at 100 Canal View : Blvd. All as described on application and plans on file.

MR. MASTERSON: My name is David Masterson. The application is for ESL Federal Credit Union to install a standby generator at the facility.

MR. BOEHNER: What is the fuel source?

MR. MASTERSON: Natural Gas.

MR. BOEHNER: Did you look at other locations and why at that the location?

MR. MASTERSON: We have looked at other locations and the future plan is to do all the other branches. They have done the Penfield branch, Ridgeway is in the makings and next year they are going to do three more sights as well.

MR. BOEHNER: I meant more specifically on this site why did you choose this location here at this location?

MR. MASTERSON: For install purposes it was electrically easier to be done. It was closer to the electrical room and the existing RGE transport from the outside and to the gas meter as well.

MR. BOEHNER: What is the decimal of it.

MR. MASTERSON: I think it is 73, I believe.

MR. BOEHNER: In a residential area they require 72, so it is a little bit higher. That is according to you guys and that is part of the reason they are here.

MR. MASTERSON: I understand and I believe it may be 74.

MR. CHAIRMAN: Can it be reduced?

MR. MASTERSON: Currently this is the generator QT style which is the quietest of their outdoor generators. I specifically can't answer that question. I know they chose the QT style to keep the noise level down.

MR. CHAIRMAN: The property to the west is not residential is it?

MR. BOEHNER: David would know.

MR. DOLLINGER: There is a very small house there and there is a stream there also before it gets to the house.

MR. BOEHNER: Do you plan to disturb any plants?

MR. MASTERSON: No.

MR. BOEHNER: Are you proposing to screen the generator with plantings is that right?

MR. MASTERSON: It is not proposed but if it needs to be we can definitely be done.

MR. BOEHNER: Doesn't it say plantings?

MR. MASTERSON: It does say that, yes.

MR. CHAIRMAN: This is a public hearing is there anyone here to address this application? Okay thank you very much.

NEW BUSINESS

5P-NB1-15 Application of James Cerone and Sharon Bidwell- Cerone, owners for Preliminary Site Plan Approval to construct a 4, 480 +/- sf single family house with an 898 sf attached garage on property located on East Avenue (between 2940 and 2980 East Avenue) Known as Tax ID #138.05-1-70, /all as described on application and plans on file.
WITHDRAWN BY APPLICANT.

10P-NB1-15 Application of Jewish Senior Life, owner, for Preliminary Site Plan Approval and Preliminary Subdivision Approval to subdivide two lots into one and construct four 3-story "Green House" buildings with 36 senior living units each, a 3-story independent living apartment building containing 75 units, accessory buildings new covered entrances to the existing Jewish Home tower and other site improvements on property located at 2021 Winton Road south. All as described on application and plans on file. TABLED AT THE OCTOBER 21, 2015 MEETING- PUBLIC HEARING REMAINS OPEN – POSTPONED TO THE DECEMBER 16, 2015 MEETING AT THE APPLICANT’S REQUEST.

11P-NB1-15 Application of Genesee Regional Bank, owner, and Wegman Companies, Inc., contract vendee, for Preliminary Site Plan Approval to construct a 3-story 55,000 +/- sf medical office building with associated parking on property located on Sawgrass Drive, known as Tax ID #'s 1491.06-1-5/BR and 149.06-1-5/RH. All as described on application and plans on file.

MR. CAMPBELL: Good evening my name is Bob Campbell with B & E Associates. I am here as was mentioned on behalf of the Wegman Companies to present the proposed affectionately referred to as the Sawgrass Drive Office building. With me tonight is Jay

Wegman of the Wegman Companies and Andy Buroughs who is the project engineer from our office. The proposal I am sure the Board is aware of this site as the site was presented back three or four years ago. The proposal includes a lots BR 2 and B3 A of the Brighton Meadows Business Park that was originally approved back in the 90's and has subsequently been built lot by lot through the last 20 years or so.

The property is 12.7 acres in size it also includes the western portion of the existing Sawgrass Drive that is a private common access drive and serves not only this site but also the other existing businesses within the Brighton Meadows Park. The existing zoning is BE 1 and the proposal is consistent with that zoning with the exception of a hydrant that will be necessary because of the building height. The proposal includes a 3-story 55,000 square foot medical office building that 55,000 square foot is a grossly simple floor area. Additional site improvements include 396 parking spaces and as part of that 396 spaces we are actually shown within that 396 approximately 66 land banked parking spaces. The number of overall parking spaces is consistent with what is required by medical office building per the Town Code however the applicant feels that is initially expensive from what they feel that they need and that is why they have shown the land banked parking.

Access to the site will be provided from Sawgrass Drive that access will be combined with the Brighton Medical Center which is adjacent to the north of the proposed project. There is an existing easement in place an existing common access easement in place and we have spoken to the owners of that property about the minor modifications and the sharing of that access with the proposed office building and they are fine with those improvements. As far as the other site improvements on the property we would be providing connections to the existing sanitary sewer and water main and those improvements were installed in the original development of the business park. Those connections are readily available and we will be expecting those from Sawgrass Drive into the property to accommodate both buildings.

Other site improvements as provided with our application include landscaping and lighting improvements sidewalks within the site itself as well as trail connections not only to link to the existing trail in the existing Brighton Town Park but also we have to provide access to the Erie Canal as well. With regard to as was mentioned on our application with regard to the attractiveness of the site we did

mention a handful of reasons the applicant was actually attracted to the site certainly with it being a proposed medical office building that is also consistent with many of the surrounding property uses and services in that setting.

As I had mentioned earlier certainly the setting is very attractive as it relates to the capitalizing on the advantages of being adjacent to the existing Town Park. So that is also a very important reason for the proposed project. We did meet with this Board back in August and that was simply to present a concept plan. We began to illicit the Board's input and since that time we have modified the architectural plan from what was shown so we did provide an architecture of that plan with our application. And without getting into too much detail certainly we recognize that we have to appear before the Architectural Review Board. And it is more traditional from the stand point of it being brick and glass. We also have met with the Conservation Board back in August and we met with them last week and certainly I think the priority in terms of their comments and input on the application deals with the existing wetlands. For the Board's benefit we have met with the Corp of Engineers on a number of occasions relative to the project as recently as a couple of weeks ago. We did provide the Corp with an updated jurisdictional determination of the limits of the wetland and upon some questions relative to the update of that determination we did subsequently provide a modified determination and we are currently going through the process of review with the Corp.

In addition to the actual limits of the wetland itself we did have a dialogue relative to the mitigation that the Corp prefers from a standpoint of many wetland permits that would be considered on the site. WE did provide Ramsey a copy of the correspondence we received yesterday from the Corp basically reiterating the priority for the thresholds and the process of how they would consider where mitigation would occur and so we are working through that. I think at this point it is still up in the air as to whether or not the Ducks Unlimited would be an option. They were actually having some discussions from a conference stand point today so we are working through that process through the Army Corp of Engineers. We have also looked at mitigation off site and an number of options there.

Really none of – or the mitigation strategy does not affect the site plan itself, we recognize that ultimately we have to mitigate

the wetland being disturbed and again we are working through that process. With that I would be happy to answer any questions the Board might have and we look forward to your comments.

MR. CHAIRMAN: I think we want to resolve a check list of things before we can issue preliminary. I think at this point the site plan standpoint I am not sure that we have many if any concerns with the site plan configuration. We appreciate the connection between the adjoining property over the access drive. It is really kind of coming down to 3 or 4 things. The variance on the height of the building is something you need. Is that correct?

MR. CAMPBELL: That is correct.

MR. CHAIRMAN: Have you applied for that?

MR. CAMPBELL: We have not applied for that yet.

MR. CHAIRMAN: ARB Approval on the architecture itself, this is our check list before we give you preliminary we are anticipating when most of these things are completed we will combine preliminary and final into a final application. Ramsey is going to talk a little bit about the mechanics associated with the utilities and trails within the Conservation Easement. I think we all appreciate and would voice our support for trails connecting from your building to the system. I am just not sure when this was originally done in the 90's you may need some procedural gymnastics that you need to go through to make that happen. There is the utility line as well that is going to penetrate into one of your conservation easements and that is another thing that we hadn't anticipated. So there is still those 3 or 4 things.

MR. BOEHNER: What is the status with Monroe County DOT the time frame to verify that this entire office park that there is no additional traffic improvements that have to be made?

MR. CAMPBELL: The update to that is we just received in put from the County that they would like a signalization study done at the Sawgrass and Westfall intersection. So they just want an

assessment done to make sure the turning movements at that intersection are done.

MR. BOEHNER: So you are going to check that timing at that intersection?

MR. CAMPBELL: Yes.

MR. BOEHNER: And make any adjustments?

MR. CAMPBELL: Yes. I think they are going to provide counts.

MR. BOEHNER: Can I ask after you do the study it is just a matter of making an adjustment to the signal and then it would be good?

MR. CAMPBELL: I believe that is the case, yes.

MR. BOEHNER: The other thing is talking about the wetlands and try to get your wetland mitigation plan and what you are figuring out with the Army Corp and explaining that with this Board and explain that with the Conservation Board. Can you send me an e-mail at the end of the day?

MR. CHAIRMAN: If you can solve the issue with them that is all we care about.

MR. CAMPBELL: When I first spoke to the Corp and Judy she said the previous applications were in the red zone so I was encouraged by the med for that she used.

MR. BOEHNER: I hope that is the case for you. I want to talk a little bit about have you looked at trying to avoid the impacts to the Conservation Easement with that utility line. Is there another way to do it so we are not impacting that conservation easement because I don't want to have to go to the Town Board and say we need to modify this. If I could just say this is the only way to do it. That helps a lot because they are going to look at it why are we impacting the conservation easement. The trail is an incentive. We were always

planning to have a connection between this park and the trail system. Have you guys looked at an alternative design?

MR. CAMPBELL: We have looked at how to get the utilities from point A to point B and unfortunately the existing access drive in terms of Brighton Medical Center is very close and the access easement is very narrow and there is very little room to have the utilities extended so we certainly have looked at the options there .

MR. BURROUGH: Andy Burrough from B&E. Under the Conservation Easement, the Conservation Easement right now comes all the way up to the property lines. So it encompasses the entire entrance to the parcel from Sawgrass Drive. So what we have done is we have placed the utilities as close to the property line that it shares between the property to the north and the project parcel. So we have them as close as we can to minimize cutting through the Conservation Easement but we are restrained by the separation distances that are required by the Health Department and then it has to be served through the lot to meet Monroe County Water Authority requirements of having one connection per lot. So we have moved as close to the property line as we can but the Conservation Easement does encompass that entire frontage.

MR. BOEHNER: One other question. Your RPZ is proposed to be inside the building is that right? Have you talked to the water authority about that to make sure you are not going to be required to have a hot box because if you do where are you going to put that?

MR. BURROUGH: We are in the process of working with the Health Department and Water Authority. We are requesting a waiver from the Health Department to place RPZ in the building so we can minimize the impact to the Conservation Easement to avoid having to put a hot box out there in the road and ultimately there would be more disturbance than that easement. So we are in that process with the Water Authority.

MR. BOEHNER: I think a hot box would be a a tough request and I wouldn't want to take that up. Utilities on the ground is one thing. I wish you luck.

MS. CIVILETTI: Is there a generator proposed?

MR. CAMPBELL: No, no generator.

MR. BOEHNER: AC is on the roof?

MR. CAMPBELL: On the roof, yes.

MR. BOEHNER: Are the lights dark sky?

MR. CAMPBELL: I believe they are.

MR. WENTWORTH: There is no generator proposed is that not compatible with the medical use?

MR. CAMPBELL: If there is a request for one?

MR. BOEHNER: What we are going to have to do if there is a generator you may want to see if there is a location on the site..

MR. CAMPBELL: We do show a location on the plan for a generator. It is located right here.

MR. CHAIRMAN: Anything else? Okay, thank you. Is there anybody here that cares to address this application? Okay That is it for the public hearings.

NEW BUSINESS (cont.)

8P-NB1-15 Application of Anthony J. Costello and Son (Joseph) Development LLC, owner for Concept Review to revise the loft buildings, originally approved as a 6 five story buildings containing a total of 168 condominiums to 6 four story buildings containing a total of 144 condominiums on property located on Reserve View Blvd. ("The Reserve" housing developments) All as described on application and plans on file. WITHDRAWN BY APPLICANT.

11P-NB2-15 Application of Anthony J. Costello and Son (Joseph) Development LLC, owner for Concept Review to revise the oft buildings, originally approved as 6 five-story buildings containing a total of 168

condominiums to a 5 four story buildings containing a total of 144 condominiums and to construct a 3,400 +/- sf boat house on property located on Reserve View Blvd. ("The Reserve" housing development). All as described on application and plans on file.

MR. GOLDMAN: Good evening my name is Jerry Goldman, attorney and agent for Anthony J Costello and Son Joseph Development, LLC for "The Reserve" on the Erie Canal. We are here on a concept review and this is pretty much our entire team here. Headed by Bill Daily who is the Vice President for development for the Anthony J. Costello group, Matt Tomlinson who is the project engineer for Marathon Engineering, Jim Fehe who is the project architect dealing with the lofts and Mark Fader who is the landscape architect for the overall project. I appear this evening to discuss the loft buildings, the last set of buildings and the last set of residential units to be constructed at "The Reserve" Those units are depicted on the site plan and are located at the southerly end of the project adjacent to the Erie Canal.

Without going through the whole history of "The Reserve" approvals we will do the abridged version of the most recent discussions that we have had with the Town and approvals that we have gone through. Coming to this Board, for Brewington which is the neighborhood immediately west of the Reserve Blvd. It took some work with the Town Board and that work with the Town Board essentially involved a relisting of the plans for the loft buildings. The loft buildings were originally six full buildings of 28 units each which were going to be by the club house along the canal zone. Five stories in height and as part of our discussion with the Town Board members and our review with this Board there was a request for us to consider a lighter massing of the buildings if you will that are being proposed.

So what we came back with on this concept plan is five residential buildings as shown we have four of them which are to the east of the club house building and one which is west of the club house building and further west where previously there would have been a building proposed we have proposed a 3400 square foot boat house to service the property. In terms of

the units and unit counts we have reduced the number of units down to 144 and each of those separate ones we have 32 units and one building which has 16 units and we have worked our best to remain within the context of the original zoning approval. And in working with Town staff and the director of development and we also met with the Town Board and the public works committee meeting and it was determined that what we are proposing here does not require any adjustment to the incentive zoning. And it is within the purview of this Board to deal with the loss within the context of the incentive zoning approval which was originally adopted.

I should point out a couple of things in general in regard to the plan, we are maintaining as part of this our minimum setback to the public and that was a matter of great concern and interest early on and we are maintaining that 466 feet from our loft building. There are some adjustments on the buildings themselves they are a little bit deeper and it does adjust the distance that we are from the canal. We are not talking about the property lines with the canal but just its perspective with the canal. We are moving from under 36 feet as opposed to 126 feet but we believe that is more than mitigated by the reduction in size in the majority of the loft buildings themselves. In addition we need to review the setback as it relates to the boat house as an accessory building and we are proposing that to be 10 feet away from the property line remembering of course that the boat house improvements are just about on the property line with the pool area so they aren't necessarily out of line with the boat house and that amenity.

One thing to note when we get down to subdivision of the site is that the club house and boat house will be together as a common area of the lot on the site and that will be coming back to the Board as part of the subdivisions of each of the loft buildings will be on their own lot for financing and construction purposes. That is pretty much an introduction. I think it is very important for us to talk about the architecture in the sense of what we are trying to accomplish here and I would like to have Jim talk a little bit about that and landscaping adjustments and how this works with the overall landscaping plan.

MR. FEHE: Good evening I am Jim Fehe from Fehe Associates with the applicants on the projects. I know the Board is familiar with the previous lofts that were presented a couple of years back. This building to give you the geometry in scale and massing we are within 3 to 4 feet of the same width of the old building. The building itself is probably within 4 to 5 feet in depth. The previous building actually had an extended underground parking garage that was closer to the canal than our structure is. So even though structurally above ground we are a little bit closer because our depth is slightly more but the foundation structure is actually less. We have reduced a story in the building. There is approximately 15 feet less in height from matching the roof line of our new building to the maximum roof line of the previous.

What I think is an important thing to understand is not only the roof but the plate height which would be the top floor eave is 14 to 15 below the previous. There is a graphic that is in the - on the documentation that was given to you that shows that relationship and I think that to me from understanding relationships of scaling and massing of building that is more telling than the actual ridge line of the building would be even though we are significantly below there. This I think is more in keeping with the low rise architecture neighborhoods of the Reserve than the previous building is. The materials on it I think are very complimentary. We are using hardy plank siding and brick for all of the material and that is exactly what we are using in all of the neighborhoods at the Reserve.

We have reduced common space in the building to be able to use more of our building area dedicated to living space. So I think we have a much more economical building here a much more marketable building which is a benefit to everyone not only to the owner but I think that will be a benefit to the Town in the ability to build and sell these buildings. So that is it in a nut shell we are 32 units versus 28 even though our building massing is smaller than previous. Our unit size are a little bit less. I think our smallest unit finished living space is around 1400 square feet with mirandas its pushing 1500 square foot range to the larger units that are just under 2,000 feet slightly over when you include under roof with the mirandas..

MR. CHAIRMAN: Can you talk to the boat house?

MR. FEHE: The boat house has been added to the scope of the project understanding that it probably wasn't looked at closely early on. There will be need for toys such as kayaks and canoes and things like that that will be available for residents to use and we will have storage area for that. There will be an area for storage of equipment that is needed to maintain the site. There will be a maintenance office in that area. It is not a big building. It is actually 3,090 square feet. It is a one floor with a basement . The roof in the graphic that I have shown I have a concept A and a concept B. Concept A has a mean roof elevation of 16 feet which complies with your typical zoning requirements for a building height. Now accessory structures in the Town of Brighton need to have a maximum height of 16 feet which is different than what your typical building height is.

I am showing two graphics one my main roof elevation complies with that 16 feet. The second building that I am showing you is a mansard roof that the top of the mansard is that 16 feet. I would strongly urge the Town to look at option A as the better of the two buildings. We have to go through a process to receive a variance for that building. We would bow to the decision of the Zoning Board of Appeals for that but my argument on this is first of all in its context we are adjacent to four story buildings first of all. Secondly it has always been the Town's stance that you are concerned of the view of the community from the canal as you are from the community itself. The canal is elevated from this building when you are on the canal path you will be looking down above the mansard onto a flat roof which to me is much less complimentary to the view that it would be if you were looking at a pitched roof.

So I think in its context next to the four story buildings the views from the canal I think are strong arguments for this building to receive a variance. If that became a thorn in the approval of that building we will build them with a mansard.

MR. BOEHNER: Would the footprint be the same?

MR. FEHE: It would be the same.

MR. BOEHNER: Okay.

MR. BAYER: Good evening my name is Mark Bayer from Bayer Architecture landscape architect. There are no drastic changes here it is sort of consistent with a lot of what we have been doing in the project from day one eight years ago. Our biggest concerns for the loft buildings one is views from the canal so as we have always done we have provided a mix of deciduous and evergreen trees and shrubs. The new parking lot for the proposed boat house is again heavily screened from the canal with dense plantings with a deciduous layer of trees and shrubs. Again the things that we have done here are pretty minor. We essentially just adjusted the street tree arrangement to look at the building design and we have tweaked the light pole positions again in response to the foot prints of the buildings. The mix of plantings is very consistent with what we have done previously. Our shrub plantings in this area are consisting of viburnum and gray dogwood and our tree mix is similar to what we have done throughout. Any questions on that?

MR. CHAIRMAN: I have a question on the boat house in a little bit more detail. Possibly Matt or Mark could possibly answer. The building called the Kensington is going to look like the surveyor screwed up and laid the building out wrong.

MR. TOMLINSON: Sure so the adjustments to the alignment of that building primarily are due to the fire code requirements between 15 and 30 feet from the fire lane which measures from the edge of the travel lane which is the parallel parking and the road if you will remember back to the original section 1 we actually had to make a change at that point and come back and so this is in anticipation of being required to comply with that requirement. The ramps in between the buildings are too steep and too close in proximity to qualify as parallel to a building face in addition to typically it would be required to a longer building face and the road alignment being set utility being in as well as the views to that building from that roadway that is what we are stuck with at this point. From the site plan perspective it allows us to maintain the trees aligning the street and to have that same view by creating a green space there as

well as maximizing the efficiency of the parking. So that is the primary reason for the location that we have put on there accessory building from my understanding code is a five foot setback and we are at 10 feet so we are in excess of that providing some area for some planting between the swail and the bank and that building. In addition to that further setback it is very visible where ever it gets put but from a massing standpoint I don't think that it is going to be conspicuous and it is much closer than a four story building. So from a site plan perspective proximity, efficiency of the parking and maintaining the street scapes is the primary reasons for the location.

MR. BOEHNER: Matt is it that you are worried about losing parking spaces do you not have enough parking spaces?

MR. TOMLINSON: So total parking required on the site for the club house and the lofts we had it calculated at 338 spaces needed and we are showing 345 currently that includes the additional five that are required as reserve for canal access that was part of the original Town Board approvals that are under easement to the Town. So 343 would be the minimum required with 2 over that and shifting that building to the north would impact parking in this corner here. I haven't done an alternate layout with the new location. So I am within one or two of the minimum required.

MR. WENTWORTH: Well in terms of shifting you could flip that whole parcel and not lose any parking.

MR. TOMLINSON: We could but the view would then be parking lot instead of a nice architectural building from the canal trail and that was something we considered and that is the reason why we put the building there.

MR. FEHE: I think you asked the question and Matt answered it appropriately I think if we put it in perspective the impact of this building if you look at it it has 60 foot of width and a 23 foot tall ridge height and a 10 foot plate heighton this boat house versus a loft building that is 189 feet in width and maximum roof height of 63 feet and a plate height of 45 feet. Trust me when I tell you 10 foot of setback difference to a view from the canal will be never seen, those buildings are so much larger and the scaling massing will versus the boat house. So I think the concern for that is not really a strong concern.

so much larger and the scaling massing will versus the boat house. So I think the concern for that is not really a strong concern.

MR. CHAIRMAN: We just wanted to know why you positioned it there. It makes perfect sense. Is the building actually square?

MR. FEHE: It is 60 foot wide by the jogs on it with the gables bring it just over 50 feet.

MR. CHAIRMAN: Tonight is concept review so we like to give the Board members a chance to express any comments or concerns.

MR. WENTWORTH: I like the decrease in height of the loft buildings and feel they are more appropriate for the site.

MR. GOLDMAN: It is 23 feet in height .

MS. CIVILETTI: Just a question about the boat house is this going to be for rentals or privately owned?

MR. GOLDMAN: This is all inclusive and accessory for residents who are there. There is not going to be any rentals or anything like that to the public.

MS. CIVILETTI: Is there going to be any dock space? There is a dock between South Clinton and 390.

MR. GOLDMAN: That is it.

MR. CORDOVA: I would just say you have done a good job of screening the parking and I would encourage that as much as possible.

MR. GOLDMAN: While it is not typical for this Board to make statements like that for the benefit of the Zoning Board it maybe worth while for them to know your perspective. I think there is value in that.

MR. FADER: This project has had a lot of good work done.

MR GOLDMAN: We appreciate the comments. It has been a lot of good work and it is one of those projects that when you see it on paper it looks one way and then as it develops it really blossoms.

MR. CHAIRMAN: Thank you very much.

MR. GOLDMAN: Thank you.

PRESENTATIONS

NONE

COMMUNICATIONS

Letter from Matt Tomlinson, Marathon Engineering, dated November 3, 2015 withdrawing application 8P-NB1-15/

Letter from Sharon Bidwell – Cerone, 2980 East Avenue, dated November 1, 2015 withdrawing application 5P-NB1-15.

Letter from Andrew Spencer, BME Associates, dated November 5, 2015, requesting postponement of application 10P-NB1-15 to the December 15, 2015 meeting.

Letter from Gregory McMahon, McMahon LaRue Associates P.C. dated November 17, 2015 withdrawing application 8P-02-15.

PETITIONS

NONE

11P-01-15 Application of ESL Federal Credit Union , owner and masterson Electric Inc., contractor for Site Plan Modificatin to install a

stand-by emergency generator on property located at 100 Canal View :
Blvd. All as described on application and plans on file.

MR. FADER: I move to close the public
hearing.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move the Planning Board
approves the application based on the testimony given, plans submitted
and with the following conditions and Determination of Significance.

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to
be lead under the State of New York Environmental Quality
Review Act. After considering the action contemplated, the Planning
Board finds it to be an Unlisted Action. Upon review of the
Environmental Assessment form, the application and materials submitted,
and the criteria for determining significance pursuant to the SEQRA the
Planning Board finds that the proposed action will not have a significant
impact on the environment. The Planning Board adopts the negative
declaration prepared by Town Staff.

CONDITIONS

1. The following comment of the Conservation Board shall be addressed

The Board would prefer a more robust and deer resistant plant for
screening of the generator than that as proposed.

2. Meet all requirements of the Town of Brighton's Department of Public
Works.

3 All Town codes shall be met that relate directly or indirectly to the
applicants request.

4 All comments and concerns of the Town Fire Marshal and Town
Engineer shall be addressed.

- 5 A building permit shall be obtained for the generator. All work shall comply with the New York State Uniform Fire Prevention and Building Code.
- 6 An electric inspection shall be conducted by an inspection agency approved by the Town of Brighton. Electrical completion certificate shall be submitted.
- 7 The equipment shall be installed per the manufacturer's installation instructions and shall comply with the NEC and NFPA 37.
- 8 The generator shall be used only during power disruptions. Testing of generator shall be done during daylight office hours.
- 9 All other approvals must be received from those agencies with jurisdiction prior to the Town issuing its approval.
- 10 All Monroe county review comments shall be addressed.
- 11 All comments and concerns of the Town Engineer as contained in the attached memo from Evert Garcia to Ramsey Boehner shall be addressed.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

11P-NB1-15 Application of Genesee Regional Bank, owner, and Wegman Companies, Inc., contract vendee, for Preliminary Site Plan Approval to construct a 3-story 55,000 +/- sf medical office building with associated parking on property located on Sawgrass Drive, known as Tax ID #'s 149l.06-1-5/BR and 149.06-1-5/RH. All as described on application and plans on file.

MR. FADER: I move to table application 11P-NB1-15 based on the testimony given, plans submitted. Additional information is requested in order to make a Determination of Significance and to have a complete application. The following information is required

to be submitted no later than two weeks prior to the next Planning Board meeting.

1. All required Zoning Board of Appeals and Architectural Review Board approvals shall be obtained.

2. The following comments of the Conservation Board shall be addressed:

-The Board would like to see wetland mitigation be provided within the local watershed of the proposed Development. The wetland banking (purchase of credits) and in lieu of the fee programs as discussed by the applicant are less desirable mitigation practices in the Board's opinion. The Board requests additional details from the applicant regarding these programs.

-Deciduous shade tree plantings at 3-3 1/2 inches in caliper.

-Final landscaping plans shall include wetland enhancement of the remaining on site wetland area.

3. An inventory of trees to be removed shall be provided.

4. Tree protection shall be shown on the plans and a tree protection detail shall be provided. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.

5. Maintenance of landscape plantings shall be guaranteed for three years.

6. Maintenance of landscape plantings shall be guaranteed for three years.

7. All trees, walls and retaining walls shall be shown on plans with description of type and height. A detail of each fence and wall proposed shall be provided. Applicant shall verify, and plans shall show, that retaining walls and fences meet height requirements, or that a variance has been obtained. Fencing and retaining walls shall not

exceed a height of 31/2 feet from grade in any front yard or 61/2 from grade in any side or rear yard.

8. The entire building shall comply with the most current Building & Fire Codes of New York State.
9. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
10. Meet all requirements of the Town of Brighton's Department of Public works.
11. All Town codes shall be met that relate directly or indirectly to the applicant's request.
12. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control
13. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
14. Maintenance of landscape plantings shall be guaranteed for three years.
15. Maintenance of landscape plantings shall be guaranteed for three years.
16. Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
17. Fire hydrants shall be fully operational prior to and during construction of the building.

18. Erosion control measures shall be in place prior to site disturbance.
19. The proposed building shall be sprinklered.
20. Erosion control measures shall be in place prior to site disturbance.
21. The applicant shall review the site plan, elevations and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
22. The grading plan should show ground elevations at the corners of the building. Architectural drawings should show and note the same corner ground elevations along with accurate grading and building height dimensions and notes on each side of the building.
23. The location and screening of any proposed air conditioning condensers or other mechanicals, whether roof or ground-mounted, shall be shown. All town codes regarding their use shall be met.
24. All easements must be shown on the site plan with ownership, purpose and liber/page of filing with the Monroe County Clerk's Office. A copy of the newly filed easement(s) shall be submitted to the Building and Planning Department for its records.
25. Erosion control measures shall be in place prior to issuance of a foundation or building permit.
26. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
27. Applicable Town standard details and notes will need to be incorporated into the design drawings.
28. Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
29. Permits will be required from the Town's Sewer Department and may be required from other jurisdictional agencies.

30. Any proposed signs shall obtain all required approvals.
31. All County Development Review Comments shall be addressed prior to final approval.
32. All outstanding Site Plan comment and concerns of the Town Engineer and Fire Marshal shall be addressed.
33. Applicant shall contact the Town Fire Marshal, Christopher Roth, for comment on the proposed plans.
34. As required by the SGDEIS, the applicant shall contribute an amount applicable to the entire Central Brighton Transportation Study Area and the GEIS for Senator Keating Blvd., as their "Fair share" contribution for the identified improvements within the Central Brighton Transportation Area including the acquisition, design and construction of Senator Keating Blvd. by placing such funds in appropriate accounts with the Town prior to the issuance of a building permit.
35. A limit of 325,000 sf of office space is allowed by the SGEIS prior to the completion of Specific Westfall Road improvements by the MCDOT. With this application, a total of 371.70 sf of constructed/approved development will exist in the park. Many of the MCDOT improvements have been constructed. The applicant must verify with MCDOT that the remaining improvements are no longer required. A letter from MCDOT must be submitted.
36. A wetland permit will be required to disturb the onsite federal wetlands from the USACOE. A wetland mitigation plan must be submitted. Documentation confirming the USACOE's position regarding the wetland mitigation must be provided. A detailed description of the mitigation must be provided.
37. A Wetland Jurisdictional Determination(JD) for the site was issued on June 11, 2011 and will expire on June 11, 2016. The renewal of the JD from the USACOE must be obtained.
38. All comments and concerns of the Town Engineer as contained in the attached memo from Michael Guyon to Ramsey Boehner shall be addressed.

39. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

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SIGNS 1

1410 Pine Pharmacy at Twelve Corners for a building face sign at 1832 Monroe Avenue.

1411 Duff's for a building face sign at 2425 West Henrietta Road.

1412 1412 Palazzo Jewelers for a building face sign at Daniele Family Corporation at 2851 Monroe Ave. Approved as resubmitted.

1413 1413 LBI Nails for a building face sign at 1559 Monroe Avenue.

MR. FADER: I move to approve signs 1410, 1411, 1412, and 1413.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

1414 UR Medicine Sleep Center for a building face sign at 2337 South Clinton Avenue.

- MR. WENTWORTH RECUSED HIMSELF FROM SIGN APPLICATION 1414
CONDITION
 1. All required variances shall be obtained.

MR. FADER: I move to approve sign 1414.

MR. CORDOVA: Second.

UPON ROLL CALL VOTE MOTION CARRIED

* MR. WENTWORTH RETURNED

1415 GRB for a building face sign at 1850 Winton Road South
CONDITION

1. All required variances shall be obtained.
- Tabled.

1416 Northwest for a building face sign at 1441 Monroe Avenue.
Approved as received.

1417 Blanchard chiropractic for a building face sign at 1470 Monroe Avenue.

SIGNS 2

MS. CIVILETTI: I move to table sign application 1415 and approve signs 1416 and 1417.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

OLD BUSINESS

1395 Clover Center for Arts & Spirituality for a building face sign
CONDITION

1. All required variances shall be obtained.

1403 Abar Abstract, Avino, Premium Mortgage for a building face sign at
2541 Monroe Avenue.

* Tabled for the following

1. Proposed sign Premium Mortgage shall obtain all necessary variances.

MS. CIVILETTI: I move to approve sign
application 1395 with one condition and 1403 to be tabled.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

* * * * *

CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the November 18 2015 Meeting of the Town of Brighton's Planning Board at 2300 Elmwood Avenue, Brighton, New York, is a true and accurate transcription of those notes to the best of my ability as recorded and transcribed by me.

Judy Almekinder

Judy Almekinder

On this 21 day of December in the year 2015, before me personally came Judy Almekinder to me known, and known to me to be the person described herein and who executed the foregoing instrument, and she acknowledges to me that she executed the same.

Tanya M. Johnson

Notary Public

TANYA M. JOHNSON
NOTARY PUBLIC STATE OF NEW YORK
MONROE COUNTY LIC. #01J0627600
COMM. EXP. 05/28/2019

TANYA M. JOHNSON
NOTARY PUBLIC STATE OF NEW YORK
MONROE COUNTY LIC. #01J0627600
COMM. EXP. _____

COMM. EXP. 1/1/78
NOTARY PUBLIC STATE OF NEW YORK
TAMARA M. JOHNSON

COMM. EXP. 1/1/78
NOTARY PUBLIC STATE OF NEW YORK
TAMARA M. JOHNSON